

REMARKS

The last Office Action of June 12, 2002 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-22 are pending in the application. Claims 1 and 6 have been amended. Claim 7 has been canceled. A total of 21 claims is now on file. No fee is due. Enclosed is also a marked-up version of the changes made to the specification and claims by the current amendment. The enclosed page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Claims 1, 2, 4-6, 13-19, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,740,045 (hereinafter "Tanaka et al.").

Claims 1-3, 7, 13, 15, and 18-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by German Pat. No. 1281664 (hereinafter "DE '664").

Claims 1-3, 11, 12, 14, and 16-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,470,598 (hereinafter "Berthelsen").

Claims 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berthelsen in view of U.S. Pat. No. 5,175,401 (hereinafter "Arcas").

In order to clearly distinguish the present invention from the applied prior art, applicants have amended claim 1 by incorporating the feature of original claim 7 and more clearly setting forth a relationship between the stiffening elements and the frame section. Claim 7 has now been canceled. Claim 1, as

now on file, sets forth a hollow plastic section with a frame section which has directly attached thereto a plurality of stiffening element of rectangular cross section. Support therefore can be found in original claim 7 and, e.g. in the embodiment of Fig. 5, that shows the direct attachment of the stiffening elements to the walls of the frame section (cf. [0037] of the instant specification). As a consequence of this configuration of the frame section, the stiffening elements are part of the frame section to form together a unitary structure that can be subject to stress. Thus, the stiffening elements are able to absorb tensile forces as well as pressure forces, and as a result of the rectangular configuration in spaced-apart disposition, the heat insulating effect is superior, since the stiffening elements prevent a heat transfer from the warm side to a cold side.

In view of the amendments to claim 1 and the incorporation of the subject matter of claim 7, the rejection pursuant to 35 U.S.C. §102(b) on the bases of Tanaka at al. and Berthelsen becomes moot. With respect to the rejection under 35 U.S.C. §102(b) as being anticipated by DE '664, applicants note as follows:

DE '664 describes a rod-shaped plastic section (1) having reinforcement inlays (4) disposed in chambers (3, 3a). As noted in column 1, lines 12 to 18, DE '664 notes that it is known to securely fix stiffening (or reinforcement) inlays with the rod-shaped plastic section. DE '664 then follows by stating that "[s]uch constructions are heavy and complicated. A selective placement of the reinforcement inlay is not possible.". Therefore, DE '664 describes stiffening elements which are **loosely** received in the chambers. Col. 3, lines 23 to 27 is relevant here and translated for the benefit of the Examiner:

According to Fig. 1, for example only one flat iron is pushed in as reinforcement inlay 4, while according to Fig. 2, four reinforcement inlays 4, also of flat iron, are pushed in into the rod-shaped plastic section 1.

Thus, DE '664 clearly teaches away from the present invention, and has not recognized the relevance of establishing a unitary structure between the stiffening elements and the frame section, as set forth in claim 1, in order to attain a overall construction that has improved capabilities to absorb tensile forces as well as pressure forces, and provides superior heat insulation, as stated throughout the specification.

For the reasons set forth above, it is applicant's contention that DE '664 neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Claim 6 has been amended in the manner as suggested by the Examiner. This amendment is "cosmetic" in nature and does not narrow the claim element to trigger prosecution history estoppel.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: October 15, 2002
350 Fifth Avenue
Suite 3220
New York, N.Y. 10118
(212)244-5500
HMF:af